

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

NO. 3:05-CV-00150 GTE

LARRY THOMAS and ROSIE THOMAS

DEFENDANTS

ORDER

Presently before the Court are Defendants' Motion to Quash Application for Writ of Assistance dated January 15, 2008; Motion to Quash the Writ of Assistance dated January 15, 2008; Motion to Dismiss; and Motion for Reconsideration of the Order dated March 11, 2008.

On October 31, 2007, this Court entered judgment for the Government. On November 7, 2007, Defendants filed their Notice of Appeal to the Eighth Circuit. On December 26, 2007, this Court denied Defendants' Motion to Quash Writ of Assistance, Motion to Remand to Secretary of Agriculture, and Motion to Stay, which requested that this Court "remand this case to the Secretary of Agriculture," "stay these proceedings pending the determination by the U.S. SUPREME COURT as to which circuit has jurisdiction," "stay the proceeding pending the President[']s decision on the 110th Congress Farm Bill H.R. 2419," or "rule that the Government has failed to comply with the federal and state mediation statutes." The Court held that it was divested of jurisdiction and could not reexamine or supplement the order appealed. On January 16, 2008, the Government made an application for and was issued a Writ of Assistance. On January 25, 2008, Defendants filed their Notice of Appeal as to the December 26th Order. On

February 21, 2008, Defendants filed their Motion for Contempt. The Court denied the motion on March 11, 2008.

Defendants filed the present motion on April 4, 2008. Defendants raise several aspects of this case involved on appeal, and thus, this Court is divested of jurisdiction as to those issues. *Liddell v. Bd. of Educ.*, 73 F.3d 819, 823 (8th Cir.1996) (citing *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58, 103 S. Ct. 400, 74 L. Ed. 2d 225 (1982)). Furthermore, several issues raised appear to be more appropriately directed toward the bankruptcy court. Additionally, the Court declines to reconsider its March 11th Order. Defendants' motion is denied.

Accordingly,

IT IS THEREFORE ORDERED that Defendants' Motion to Quash Application for Writ of Assistance dated January 15, 2008; Motion to Quash the Writ of Assistance dated January 15, 2008; Motion to Dismiss; and Motion for Reconsideration of the Order dated March 11, 2008 (Docket No. 55) be, and they are hereby, DENIED.

IT IS SO ORDERED this 8th day of April, 2008.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE